

P24397.A03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Hideo SUGIMOTO

Group Art Unit: 2613

Appln. No. : 10/687,642

Examiner: Behrooz SENFI

Filed : October 20, 2003

For : ELECTRONIC ENDOSCOPE SELECTOR

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Your petitioner, PENTAX Corporation, a of Japan, whose business address is 36-9, Maenochō 2-chōme, Itabashi-ku, Tokyo, Japan, represents that it is the owner of record of the entire right, title and interest of the above-identified application (i.e., U.S. Patent Application No. 10/687,642, hereinafter "the '642 Application") by virtue of an assignment recorded in the U.S. Patent and Trademark Office on October 20, 2003 at Reel 014607, Frame 0447 of parent U.S. Application No. 09/736,284 for Electronic Endoscope Selector.

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, PENTAX Corporation, hereby disclaims, except as provided below, the terminal part of any patent granted on the '642 Application which would extend beyond the expiration date of any patent granted on United States Application No. 09/736,284, and hereby agrees that any patent so granted on the '642 Application

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shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted or United States Application No. 09/736,284, this agreement to run with any patent granted on the '642 Application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the '642 Application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of any patent granted or United States Application No. 09/736,284 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
Hideo SUGIMOTO

By


Name Zenichi OHKURA

Title Director

21. Feb, 2006